

U.S. DISTRICT COURT

N.D. OF N.Y.

FILED

DEC 17 2012

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Michael Calvin

LAWRENCE K. BAERMAN, CLERK
ALBANY

9:12-CV-1846

GLS/DEP

(In the space above enter the full name(s) of the plaintiff(s).)

COMPLAINT

-against-

Jury Trial: Yes No
(check one)

See attached sheets

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)



I. Parties in this complaint:

A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Michael Calvin, 91-A-0715
Street Address Green Haven Correctional Facility
County, City P. O. Box 4000
State & Zip Code Stormville, New York 12582
Telephone Number _____

B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Since 2000, I have been getting harassed by Correctional employees, mainly, lieutenants of New York State Department of Correctional Services. This seems to stemmed from a lock down in Green Haven Correctional Facility in 2000, when I was accused by lieutenants of causing the incident.

On January 11th, 2009, nine years later, I was stabbed with a pen on my upper right hand, knocked unconscious, and then sexually assaulted in Clinton's Annex by two inmates who were influenced to do so by a lieutenant.

I am going to prove that each defendant below is bearing the responsibility for conspiring with each other to bring about my mental illness, even though I do not have one, but according to NPP Cheryl Meyers, I do have a mental illness, and also my physical hurt.

See exhibit D for my diagnosis by NPP Cheryl Meyers, page 8 at 22, and page 11 at 14. Exhibit D is some of my COPM transcripts, 5 pages.

See exhibit E for Judge Clark's order for

medication, dated May 31st, 2011, 2 pages.

See exhibit I for my grievance dated July 12th) 2009, which I have filed while I was in Clinton Correctional Facility because I was not getting the proper dosage of my high blood pressure medication pills.

In my July 12th, 2009 grievance, 3 pages, exhibit I, the medication that I was refusing while I was in Clinton Correctional Facility was the medication that was enlarging my chest. Furthermore, it also was making me feel very, very dizzy and weak.

And also see exhibit A for my March 29th, 2011 grievance, 28 pages, which I have filed while I was in Central New York Psychiatric Center, but Mr. Anthony Gonzalez, Director for Grievance, did not respond to it. However, NPP Cheryl Meyers has referred to my March 29th, 2011 grievance in Court during the medication hearing. See exhibit D page 11 at 23.

Everything is as follows:

Defendants

Lieutenant Maggie, pm shift

Lieutenant John Doe, pm shift

Lieutenant Quinn, am shift

Mr. Kennally, Correction Counselor, am shift

Lieutenant John Doe, am shift

Doctor John or Jane Doe, am shift

Correction Officer John Doe, pm shift

Doctor John Doe, am or pm shift

Lieutenant John Doe, am shift

Lieutenant John Doe, am shift

Doctor Forgous, I believe that is her name, am

Mr. Donald Sawyer, head of Marcy, am shift

Ms. Cheryl Meyers, NPP, am shift

Ms. Patricia L. Touzeau, am shift

Mr. Minhaj Siddiqi, am shift

Mr. Anthony Gonzalez, Director for Grievance, am

Mr. Vernon Fonda

Inspector General John Doe, am shift

Defendant No. 1 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 2 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____ See attached Sheets
 Telephone Number _____

Defendant No. 3 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

Defendant No. 4 Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____
 Telephone Number _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)

Federal Questions Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? On January 11th, 2009, I was sexually assaulted by two inmates who were influenced to do so by a lieutenant.

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship _____

Defendant(s) state(s) of citizenship _____

Lieutenant Naggie, pm shift
Green Haven Correctional Facility
P. O. Box 4000
Stormville, New York 12582

March, 2003

Tried to kill me by influenced officers to slammed my head into a wall. As a result, injured my brain and causing me to be having memory problems right now. And tried to turn me gay. See exhibit A pages 1, 4, 5, and 6!

Lieutenant John Doe, pm shift
Southport Correctional Facility
P. O. Box 2000
Pine City, New York 14871

June, 2003

Conspiracy to try to turn me gay, and put water in my food. As a result, I was starved. See exhibit A pages 6, 7, and 8.

Lieutenant Quinn, am shift
Auburn Correctional Facility
P. O. Box 618
Auburn, New York 13024

2008

Conspiracy to try to turn me gay, and

influenced the sexual assault. See exhibit A pages 9, 10, 11, and 12. Lieutenant Quinn and Lieutenant Quen is the same person.

Mr. Kennally, Correction Counselor 2008
Auburn Correctional Facility
P. O. Box 618
Auburn, New York 13024

Conspiracy to help caused the sexual assault by sending me to Clinton's Annex. See exhibit A page 11.

Lieutenant John Doe, am shift
Clinton's Annex Correctional Facility
P. O. Box 2002
Dannemora, New York 12929

—
January 11, 2009

Conspiracy to try to turn me gay, caused the sexual assault, and injured me. See exhibit A pages 12, 13, 14, 16, and 17.

Lieutenant John Doe, am shift
Clinton Main Correctional Facility
P. O. Box 2001
Dannemora, New York 12929

February, 2009

Conspiracy to try to cause my death by made me leave the hospital. See exhibit A pages 15 and 19. This lieutenant also influenced an inmate to walked right upon me and head butted me, and knocked me to the ground. Officer Benet stand up and saw everything, but did not do anything. I have reported it to the Inspector General.

Lieutenant John Doe, am shift
Coxsackie Correctional Facility
P. O. Box 200
Coxsackie, New York 12051

Between 2009 + 2010

Conspiracy to try to turn me gay, and put things in my food, which made ~~they sick~~ me very sick. See exhibit A pages 19 and 20.

Lieutenant John Doe, am shift
Sullivan Correctional Facility
I do not know their address

2010

Conspiracy to try to cause my death by influencing a doctor to reduced my high blood pressure medication. As a result, I almost die from heart attack. See exhibit A page 21.

Doctor John or Jane Doe, am shift

2010

Sullivan Correctional Facility
I do not know their address

Conspiracy to try to cause my death by reducing
my high blood pressure medication because a
lieutenant told him or her to do so. As a result,
I almost die from heart attack. See exhibit A
page 21.

Correction Officer John Doe; pm shift
Sullivan Correctional Facility
I do not know their address. Between 2009 + 2010

Conspiracy to injured me on my right hand, and
put toilet water in my food. As a result, I could
not eat my food. See exhibit A pages 20 and 21.

Doctor John Doe, am or pm shift
Albany Medical Center Hospital 2008
I do not know their address.

Conspiracy to try to turn me gay by given me
medication that ^{was} enlarging my chest. As a result,
my chest was swollen very big, and was paining
me very badly. I have reported it to the
Inspector General. See exhibit A page 14.

Lieutenant John Doe, am shift
Down State Correctional Facility year 2010
I do not know their address.

Conspiracy to influencing an inmate to used a
dirty gloves to served me my food. As a result,
I could not eat my food. See exhibit A page 22.

Lieutenant John Doe, am shift
Sing Sing Correctional Facility year 2010
354 Hunter Street
Ossining, New York 10562

Conspiracy to try to cause my death by influencing
a doctor in Sing Sing Correctional Facility to
Send my potassium medication pills somewhere else
other than my cell. As a result, I almost die from
heart attack. See exhibit F page 1 paragraph 4.
Also, conspiracy to try to turn me gay, and put
things in and on my food, which made me very sick.
See exhibit A pages 22, 23, and 24.

Doctor Forgous, I believe that is her name, am shift.
Sing Sing Correctional Facility 2010
354 Hunter Street
Ossining, New York 10562

Conspiracy to tried to cause my death by listening to the bad influence of a lieutenant in Sing Sing Correctional Facility and send my potassium medication pills somewhere else other than my cell. As a result, I almost die from heart attack. See exhibit F page 1 paragraph 4.

Mr. Donald Sawyer, ~~the~~ head of Marcy Central New York Psychiatric Center
P. O. Box 300
Marcy, New York 13403

Year 2010

Conspiracy to tried to cause my death by influencing staff to put some kind of chemical in my food. As a result, I almost die. Medical doctors had given me two injections. See exhibit A pages 25, 26, 27, and 28.

Ms. Cheryl Meyers, NPP
Central New York Psychiatric Center
P. O. Box 300
Marcy, New York 13403

May 17, 2011

Conspiracy to tried to cover up sexual assault by not reporting it in her report. See report at exhibit F pages 1 through 7. Even though plaintiff have told her many of times that he was sexually assaulted.

Also, conspiracy to give me a diagnosis that I do not have, Schizophrenia Paranoid Type, Auditory Hallucinations. See exhibit D page 8-22, also see exhibit D page 11-14. And psychotropic medication that I do not need. See exhibit E.

Ms. Patricia L. Touzeau
Central New York Psychiatric Center
P. O. Box 300
Marcy, New York 13403 May 17, 2011

Conspiracy to tried to cover up sexual assault by not reporting it in her report. See exhibit G pages 1 and 2. Even though plaintiff have told her about the sexual assault. Also, conspiracy to given me a diagnosis that I do not have, Schizophrenia, Undifferentiated Type, Antisocial Personality Disorder, Borderline Intellectual Functioning. See exhibit G page 1. And psychotropic medication that I do not need. See exhibit E.

Mr. Minhaj Siddigi
Central New York Psychiatric Center
P. O. Box 300
Marcy, New York 13403 May 17, 2011

Conspiracy to tried to cover up sexual assault by not reporting it in his report. See exhibit H pages 1 ~~the~~ through 6. Even though plaintiff has told him about the sexual assault. Also, conspiracy to given me a diagnosis that I do not have, Schizophrenia, Paranoid Type. See exhibit H page 2. And psychotropic medication that I do not need. See exhibit E.

Conspiracy to tried to cover up sexual assault by not responding to my March 29th, 2011 grievance. I know Mr. Gonzalez has received my March 29th, 2011 grievance because NPP Cheryl Meyers has referred to it in Court during the medication hearing. See exhibit D page 11 at 23.

Vernon Fonda
Department of Correctional Services
The Harriman State Campus - Building #2
1220 Washington Avenue
Albany, New York 12226

Allowed the sexual assault to happened.
See exhibit B. Exhibit B is respond from the Inspector General Office concerning some of my letters, 19 of them, which I had written to the Inspector General pertaining to what lieutenants were doing to me. They are in order.

Inspector General John Doe, am shift
Department of Correctional Services
The Harriman State Campus - Building #2
1220 Washington Avenue
Albany, New York 12226

Allowed the sexual assault to happened. This Inspector General came to see me in A.T.C. I hospital after the sexual assault. See exhibit A page 17. Also, see exhibit B.

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? Clinton Annex Correctional Facility, 10-2 bathroom, dorm.

B. What date and approximate time did the events giving rise to your claim(s) occur? January 11th, 2009. Approximately 4 O'Clock am.

C. Facts: On January 11th, 2009, I was[↑] unconscious and then sexually assaulted by two inmates who were influenced to do so by a lieutenant.

What happened to you?

Who did what?

Was anyone else involved?

I believe those two inmates were 15 and 17 cubes. I say it is them because that same night before the assault, I walked passed 15 cube and saw 17 cube in 15 cube and both of them were whispering to each other.

Who else saw what happened?

There was no one else involved.

Nobody saw what happened.

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

There were bruises and swelling around my anus, and my rectum was burning me very badly. My lip was swollen and also bleeding. My right upper hand was also stabbed. My ~~back~~ neck and back were also injured. As a result, I cannot stand too long, if I stand for about twenty minutes, my back starts hurting and my right leg gets very numb. Then I will have to sit down. I cannot lift anything heavier than a chair.

See attached sheet

Right now I am walking with a limp because my lower right back has been severely damaged that it has been sending excruciating pain down my right leg. Furthermore, I cannot bend over and stay in that position for 20 seconds. If I do that my whole back gets very numb, painful, and tire. Also, I cannot sit too long before my right leg gets very numb, also. They have ruined my back.

My neck is somewhat the same way, if I turn my neck and look behind me for about 10 seconds, the muscles in it contract and my whole neck gets very, very tire, and it is very difficult for me to turn it back around.

It is the same way if I hold it down for about 10 or 15 seconds, then I have to hold it back up because it gets very, very tire, also.

IMPORTANT NOTES

About a year and a half after the assault, a female Inspector General came to see me in

Sing Sing Correctional Facility, and she took my statement from me concerning the assault and left. I have not heard anything from the Inspector General since.

I CANNOT REMEMBER SOME OF THE MONTHS AND DATES THAT SOME OF THE INCIDENTS HAPPENED ON BECAUSE OF MY BRAIN INJURY.

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

[REDACTED]

[REDACTED]

See attached Sheets

also

[REDACTED] I am asking the court for [REDACTED]
[REDACTED] giving me a lawyer.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this ____ day of _____, 20____.

Signature of Plaintiff

Mailing Address

Telephone Number

Fax Number (if you have one)

Michael Cohen
Green Haven Corr. Fac.
P. O. Box 4000
Stormville, New York 12582

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this ____ day of _____, 20____, I am delivering this complaint to prison authorities to be mailed to the Pro Se Office of the United States District Court for the Southern District of New York.

Matthew J. Farrend

Notary Public State of NY

No. 01FA6249046

Qualified in Dutchess County

My Comm. Expires 9/16/2015

Matthew J. Farrend

Signature of Plaintiff:

Inmate Number

Michael Cohen
91-A-0715

I would like the Judge to know that I do not have a mental illness because what I have been complaining about is reality; however, I am going off of the premised of NPP Cheryl Meyers, Dr. Patricia L. Touzeau, and Dr. Minhaj Saddiqi at Central New York Psychiatric Center that says that I do have a mental illness.

I have been evaluated by NPP Cheryl Meyers, Dr. Patricia L. Touzeau, and Dr. Minhaj Saddiqi at Central New York Psychiatric Center and according to NPP Cheryl Meyers I have developed a mental disorder from the sexual assault called : Schizophrenia Paranoid Type, Auditory Hallucinations. Meaning that I think that everybody is out to either hurt or kill me, which is exactly how I truly feel, because I know that is what they were trying to do to me on January 11th, 2009, kill me, when they sexually assaulted me.

And NPP Cheryl Meyers has also said that I have been hearing voices, which I do not agree with, but according to her, NPP Cheryl Meyers, I have been hearing voices.

And in order to improve my inadequate mental condition, which lieutenants have caused, I need psychotropic medication. I have been taking the medication since May 17th 2011, and they have said that I have to continue taking it until I die. Also, they have severely ruined my back; therefore I am suing for punitive damages in the amount of 25,000,000 million dollars for both physical and psychological injuries.

I am also asking the Judge to please remove me from the Correctional System and put me in the Federal or City jail because my life is still in great danger by lieutenants in Correction.

On October 29th, 1989, when I got locked up for ~~#~~ a murder that I am in prison for, which I did not do, my biggest fear was getting rape in prison. On January 11th, 2009, lieutenants had made that fear come through, and I must say that in all my 48 years on earth I had never experienced anything so emotionally hurtful and degrading than that, and now I am living with this experience which is affecting the way how I am living

my life and the way how I am communicating and socializing with others.

My communication with others is not like before. Before I usually held long conversation with others, but now my communication with others is that I find myself doing less talking and if I even want to say something pertaining to what is being talked about I would not know what to say.

Further~~more~~, I do not socialize a lot like before because I do not trust anybody anymore. I stay by myself most of the time.

The experience is traumatizing my ability to express myself.

Also, I find myself doing a lot of sleeping which is causing me not to do other important things to benefit myself, like: working out, reading a book, or going to the Law Library.

I believe that I am always going to remember this experience. And I also

believe that it is going to affect me psychologically in one way or another throughout my life time.

I did not deserve the rape because I did say I was sorry for the lock down, even though I did not do it intentionally.

Like I have asked before that I am asking the Judge to please remove me from the Correctional ~~SYS~~ System and put me in the Federal or City jail because my life is still in great danger by lieutenants in Correction.

Thank you very much.

divin, 91-A-0715
Correctional Facility
4000 New York 12582



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